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U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

To: FMCSA

From: M.W. Horak, Academy Bus Co., Hoboken NJ 201-420-7000

Re: NPRM, Safety Requirements for Operators of Small Passenger-Carrying Commercial
Motor Vehicles Used in Interstate Commerce. Docket No. FMCSA-2000-7017 - 5

Date: April 6, 2001

I agree that 9-15 passenger vehicles should be held to the same standards of motorcoach operators. However, I feel strongly that ALL operators of CMV's, which carry passengers for compensation, should be required to comply with existing FMCSR's. It should not be limited to interstate operations and only those, which exceed a 75-mile operating radius.

It is in the best interest of public safety to establish uniform safety requirements for all compensated passenger transportation carriers. Based on the accident statistics provided in the NPRM, the majority of small passenger fatal accidents occurred during intrastate travel, or interstate travel within 100 miles of the driver's residence. Short trip operators, which are close to state borders, have modified the numbers to make it appear that interstate operators are more of a risk.

If the passenger CMV is for hire, what difference does it make if the vehicle is carrying 5 or 25 people? Many times a motorcoach will be operating with less than 15 passengers aboard. This passenger count does not exempt the operator from compliance with the FMCSR's. The costs and constraints of operating within the FMCSR's is a cost of doing business, which should be shared by all commercial operators. It is not uncommon to see mini-buses and large vans engaging in commercial transportation of passengers in an urban or suburban environment in direct competition with motorcoach operators. It is a very real competitive advantage for these operators not to comply with federal safety regulations as well as an incentive to operate unsafe equipment and utilize unqualified drivers.

Any commercial 9-15 passenger for hire operator should be subject to the FMCSR's, regardless of how compensated. It is too easy for an operator to "bury" the cost to operate in other forms of compensation. Current regulations consider even a single truck operated by a bakery as a commercial vehicle subject to the FMCSR's. Passenger transportation should be the same. It does not matter how a hotel or other operator covers the cost of operating their transportation services. Why should an entity that retains the service be exempt, yet a subcontractor who provides the same service be held to the regulations?

It is understood that additional resources will be required to monitor and enforce the additional units, which would fall under regulation. However, the fees charged to new operators and through fines that are imposed can offset these costs. Additionally, the balance should be considered as a benefit that helps the general public safety. Funds are provided through tax collections and transportation grants to States to install guardrails and traffic signals in the interest of public safety. This also is in the interest of public safety.

Rising fees charged to currently regulated operators for inspection programs have become another competitive advantage that unregulated operators have long enjoyed. With these financial advantages, regulated, safe motorcoach operators are struggling to remain competitive with public transit operations and unregulated passenger operators.

Motorcoach accidents account for a fraction of the fatal accidents of all passenger ground transportation modes. It remains the safest form of passenger ground transportation in the U.S. Clearly, the operators of unregulated small passenger CMV's do not share that same record and need to be brought up to the same safety standards as motorcoach operators.

Overall, it is in the public interest, both from a safety and competitive perspective, to level the field relative to regulatory safety compliance.